

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

AUTHORS GUILD, DAVID BALDACCI, MARY BLY, MICHAEL CONNELLY, SYLVIA DAY, JONATHAN FRANZEN, JOHN GRISHAM, ELIN HILDERBRAND, CHRISTINA BAKER KLINE, MAYA SHANBHAG LANG, VICTOR LAVALLE, GEORGE R.R. MARTIN, JODI PICOULT, DOUGLAS PRESTON, ROXANA ROBINSON, GEORGE SAUNDERS, SCOTT TUROW, and RACHEL VAIL, individually and on behalf of others similarly situated,

Plaintiffs,

v.

OPENAI INC., OPENAI LP, OPENAI LLC, OPENAI GP LLC, OPENAI OPCO LLC, OPENAI GLOBAL LLC, OAI CORPORATION LLC, OPENAI HOLDINGS LLC, OPENAI STARTUP FUND I LP, OPENAI STARTUP FUND GP I LLC, and OPENAI STARTUP FUND MANAGEMENT LLC,

Defendants.

No. 1:23-cv-08292-SHS

JONATHAN ALTER, KAI BIRD, TAYLOR BRANCH, RICH COHEN, EUGENE LINDEN, DANIEL OKRENT, JULIAN SANCTON, HAMPTON SIDES, STACY SCHIFF, JAMES SHAPIRO, JIA TOLENTINO, and SIMON WINCHESTER, on behalf of themselves and all others similarly situated,

Plaintiffs,

v.

OPENAI, INC., OPENAI GP, LLC, OPENAI, LLC, OPENAI OPCO LLC, OPENAI GLOBAL LCC, OAI CORPORATION, LLC, OPENAI HOLDINGS, LLC, and MICROSOFT CORPORATION,

Defendants.

No. 1:23-cv-10211-SHS

**DECLARATION OF BRIGHT KELLOGG IN SUPPORT OF DEFENDANTS’
MOTION FOR LEAVE TO FILE UNDER SEAL AND RESPONSE TO PLAINTIFFS’
MOTION FOR LEAVE TO FILE UNDER SEAL**

I, Bright Kellogg, hereby declare as follows:

1. I am a program manager in the legal department for OpenAI. I submit this declaration in support of Defendants’ Motion for Leave to File Under Seal and in Response to Plaintiffs’ Motion for Leave to File Under Seal Pursuant to Your Honor’s Individual Rules and Practices 5(B). I have personal knowledge of the facts set forth below and if called as a witness, could testify competently thereto.

2. OpenAI has designated certain documents and information subject to this motion for leave to file under seal as “HIGHLY CONFIDENTIAL – ATTORNEYS’ EYES ONLY.” Those documents and information concern datasets used to train OpenAI’s models.

3. The specific information OpenAI uses to train its models as well as the circumstances regarding and individuals involved in such training constitute highly confidential information. OpenAI generally does not disclose publicly the sources used to train its current models¹ and takes steps to ensure the confidentiality of that information is maintained, particularly given the highly competitive nature of the artificial intelligence industry that spans global stakeholders.

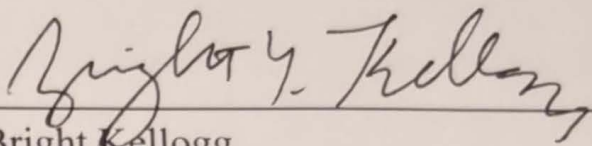
4. Additionally, OpenAI designated as highly confidential the identities of former employees who OpenAI has determined, based on information currently known to it, were involved in creating certain datasets. These individuals are no longer employed by OpenAI, and are private persons who are not parties to this litigation.

¹ OpenAI publicly acknowledged in May 2020 that datasets known as “books1” and “books2” were included in the training data used to create GPT-3, an early model.

5. Accordingly, OpenAI has designated any information concerning datasets used to train OpenAI's models as highly confidential.

6. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed this 16th day of April, 2024 in San Francisco, California.

By: 
Bright Kellogg
Program Manager, Legal
OpenAI, Inc.